



General Assembly

February Session, 2000

Amendment

LCO No. 4151

Offered by:

REP. GREEN, 1st Dist.

To: Subst. House Bill No. 5902

File No. 466

Cal. No. 374

"An Act Concerning Investigative Subpoenas."

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- 1 In line 21, after "3" insert "or 4"
- 2 In line 23, strike "A" and insert in lieu thereof "Except as provided in
3 section 4 of this act, a"
- 4 After line 46, add the following and renumber the remaining
5 sections and internal references accordingly:
- 6 "Sec. 4. (NEW) (a) A prosecuting official who seeks to issue a
7 subpoena under section 2 of this act to an attorney in regard to a
8 former or current client of such attorney shall submit an application to
9 a judge of the superior court. Such application shall include an
10 affidavit sworn to by such prosecuting official stating that such official
11 has reasonable grounds to believe that:
- 12 (1) A class A or B felony has been committed, and the basis for such
13 belief;
- 14 (2) The testimony sought is not protected by the attorney-client

15 privilege or a statutory or constitutional privilege;

16 (3) The testimony or production of property is necessary and not
17 merely relevant to the investigation concerning the alleged
18 commission of a class A or B felony;

19 (4) All other available sources of comparably probative evidence
20 have been exhausted; and

21 (5) The necessity for the testimony or production of property
22 outweighs any harm that might result to the attorney-client
23 relationship that may result if the attorney is required to testify.

24 (b) If the judge finds that the provisions of subsection (a) of this
25 section have been satisfied, such judge may grant the application for
26 the issuance of a subpoena by such prosecuting official."

27 In line 54, strike "five" and insert "ten" in lieu thereof

28 In line 66, strike ", and (5)" and insert the following in lieu thereof:
29 "pursuant to the provisions of chapter 887 of the general statutes, (5)
30 that such person has the right to a reasonable time period in which to
31 prepare with counsel, and (6)"

32 In line 86, strike "The failure to give such"

33 In line 87, strike "notice shall not invalidate the subpoena."

34 In line 88, after "proceeding" insert "in which the questioning occurs
35 and at which testimony is taken"

36 In line 90, after "disclosure" insert "except to the witness served with
37 the subpoena and counsel for such witness"

38 In line 98, after "her" insert "pursuant to the provisions of chapter
39 887 of the general statutes"

40 In line 103, after "testified" insert "and counsel for such witness"

41 In line 105, after "testimony" insert "free of charge"

42 In line 123, after "disclosure" insert "except to the witness and
43 counsel for such witness"

44 In line 151, strike "or (4)" and insert in lieu thereof the following: "(4)
45 that any of the grounds set forth in subsection (a) of section 4 of this act
46 with regard to the issuance of a subpoena to an attorney do not exist,
47 or (5)"